

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NO. 102888
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo)	Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

This matter came on to be heard on April 28, 2003 on the defendant's Motion to Require Discovery Documents and Reports to be Filed under Seal, and the opposition to that motion by The Washington Post Company, The Baltimore Sun Company, The Associated Press, and The New York Times. The defendant was represented by his attorneys Michael S Arif and Craig S. Cooley. The Commonwealth was represented by Robert F. Horan, Jr. and Raymond F. Morrogh. The Washington Post Company, The Baltimore Sun Company, The Associated Press, and The New York Times were represented by Dane H. Butswinkas of the law firm of Williams & Connolly LLP.

After hearing the arguments of counsel, it was agreed as follows:

1. Except for any certificates of analysis or other documents that must by law be filed with the court, all discovery in this case will be exchanged between counsel without filing with the court.
2. Any discovery, certificates of analysis or other documents that are filed with the court will be a matter of public record.
3. If counsel desires to file anything under seal, the filing must be accompanied by a written description of the item to be filed under seal, together with counsel's reasons for wanting the item sealed.
4. The media will be informed of any discovery, certificates of analysis or other documents filed under seal and given an opportunity to be heard on whether such items shall be unsealed.

5. The presumption will be that all items filed with the court will be open to the public and counsel shall have a high burden to seal any matter.

The clerk of the court is asked to send a copy of this order to Messrs. Horan, Morrogh, Arif, Cooley and Butswinkas.

Entered on April 29, 2003.

JUDGE JANE MARUM ROUSH